

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on February 4,
2005 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Public Testimony: Senior and Long Term Care

The following exhibits were submitted prior to testimony:

[EXHIBIT\(jhh28a01\)](#)

[EXHIBIT\(jhh28a02\)](#)

[EXHIBIT\(jhh28a03\)](#)

[EXHIBIT\(jhh28a04\)](#)

[EXHIBIT\(jhh28a05\)](#)

[EXHIBIT\(jhh28a06\)](#)

[EXHIBIT\(jhh28a07\)](#)

[EXHIBIT\(jhh28a08\)](#)

[EXHIBIT\(jhh28a09\)](#)

[EXHIBIT\(jhh28a10\)](#)

[EXHIBIT\(jhh28a11\)](#)

CHAIR KAUFMANN convened the meeting at 8:05 A.M.

Colonel Jim Jacobsen (retired), Legislative Chairman, American Legion of Montana, supported funding to provide excellent care for the state's veterans. He gave the committee a history of the cigarette tax and noted that during the afternoon floor session, **REP. JACK WELLS, HD 69, BOZEMAN**, would introduce HB 411, solidifying the use of cigarette tax for veterans services. **Col. Jacobsen** also suggested that the committee study creation of a new Veterans Administration (VA) nursing home.

CHAIR KAUFMANN called for testimony on aging and adult protective services.

{Tape: 1; Side: A; Approx. Time Counter: 6.7}

Ms. Joy Bruck, volunteer advocate, Association of American Retired Persons (AARP) of Montana, offered concerns regarding Senior and Long Term Care (SLTC) budget appropriations for Meals on Wheels, congregate meals, transportation, and outreach. She also provided a hard-copy AARP SLTC budget statement to the committee.

[EXHIBIT\(jhh28a12\)](#)

Mr. Charles Aagenes, Director, Area IV Agency on Aging, President of Montana Area Agency on Aging Association, supported adequate and increased funding for the Home and Community Based Services (HCBS) waiver, respite care for caregivers, transportation, meals programs, and other service programs. He urged that the committee appropriate at least \$6 million more per year to the SLTC budget, either through the Pop Tax or other means.

[EXHIBIT\(jhh28a13\)](#)

{Tape: 1; Side: A; Approx. Time Counter: 15.3}

Ms. Bernadette Franks-Ongoy, Executive Director, Montana Advocacy Program (MAP), described MAP's work of protecting civil rights for disabled persons, as well as monitoring state systems to ensure that abuse and neglect allegations are investigated. She discussed MAP's senior neglect report and investigation, and stated that she believes Adult Protective Services is doing its job well, even without adequate funding. She urged increased funding for Adult Protective Services.

Ms. Cynthia Shott, Western Montana Chapter for the Prevention of Elder Abuse, told the committee about her organization's history and work, and how it works in concert and via contract with Adult Protective Services. She reported that for every reported case of elder abuse, there are four unreported cases.

Mr. Paul Stahl, Lewis and Clark County Deputy Attorney, oversees legal cases regarding elder abuse. He stated that in his 18 years of service to the County, he has seen a steady increase in the number of elderly persons needing county attorney intervention in situations of abuse, neglect, and/or exploitation. He discussed the challenges faced by elderly parents of developmentally disabled (DD) children who need to find care for both themselves and their children.

{Tape: 1; Side: B}

Mr. Stahl continued, stating that elder abuse problems tend to be more dire in urban areas than in rural areas. He also discussed the role and work of the County's adult protection teams.

Ms. Cindy Nichol, former SLTC Lewis and Clark County Adult Protective Services (APS) staff members; current operator, private adult protective services organization, provided several anecdotes regarding ways in which APS has helped to ensure the safety and well-being of local seniors.

Ms. Nancy Gibson, Director, Belmont Senior Center, Butte, discussed roles and work of individuals on the APS team with which she participates, and how APS helps seniors and their guardians access Medicaid and Medicare benefits. She urged complete funding for APS and its contingency programs.

EXHIBIT(jhh28a14)

CHAIR KAUFMANN called for nursing home testimony.

{Tape: 1; Side: B; Approx. Time Counter: 15.4}

Ms. Rose Hughes, Executive Director, Montana Health Care

Association, provided and discussed a number of exhibits. She explained to the committee what happens when an individual is ready to move into a nursing home. She enumerated factors driving the decrease in nursing home populations and the increase in acuity levels and cost-per-patient among nursing home populations. **Ms. Hughes** also overviewed Registered Nurse (RN), Licensed Practical Nurse (LPN), and Certified Nurse's Assistant (CNA) shortages in nursing home facilities, and the emerging use of expensive traveling nurse services.

Ms. Hughes went on to emphasize the financial burden of regulatory changes and requirements, and outlined how Intergovernmental Transfer (IGT) payments help county facilities come close to covering costs of care. She also remarked on the cost shift that leaves private-pay nursing home occupants covering the 30-40% of Medicaid patients' care costs that are not paid by the government.

In concert with DPHHS, **Ms. Hughes** requested a 3% provider rate increase and an I-149 funded direct-care wage increase. She urged the committee not to regard the IGT program as a viable funding source and asked members to fund increased bed days.

{Comments: Due to technical difficulties, no audio exists for the following portion of the testimony}

Finally, **Ms. Hughes** discussed bills that the committee should support in order to encourage responsible estate and long-term care insurance planning and requested an increase in the bed tax.

[EXHIBIT\(jhh28a15\)](#)

[EXHIBIT\(jhh28a16\)](#)

[EXHIBIT\(jhh28a17\)](#)

[EXHIBIT\(jhh28a18\)](#)

[EXHIBIT\(jhh28a19\)](#)

CHAIR KAUFMANN called for testimony on all issues related to SLTC.

Ms. Betty Beverly, Executive Director, Montana Senior Citizens Association, discussed seniors' fears about reporting elder abuse and urged increased funding for APS. She also cited statistics arguing that seniors who remain at home live longer and happier lives. She opposed the bed tax as a burden on private-pay nursing home residents who have planned and saved for their futures.

Ms. Beverly also asserted her opposition to HB 117, the asset look-back bill, characterizing its penalties as unfair to seniors

and their families. She emphasized that Montana's Aging Services are in a financial crisis and noted that seniors are one of the main populations soliciting the help of food banks.

Mr. Peter Birkholz, Administrator, Madison Valley Manor and Madison County Tobacco Root Community Home (nursing homes), urges continued, adequate and fair Medicaid funding. He described how extremely low nursing home occupancy leads to low revenue, which results in huge losses. **Mr. Birkholz** reported combined losses of \$386,751 last year between the two facilities he administrates.

Mr. Birkholz emphasized the importance of IGT funding and the bed tax. In response to earlier testimony, he stated that the private pay rate is very close to and slightly higher than the Medicaid pay rate. He also stated that there is no cost-shifting of the bed tax onto private-pay individuals.

{Tape: 2; Side: B}

Ms. Sherry Maheart provided and discussed a handout on aging population increases.

[EXHIBIT\(jhh28a20\)](#)

Mr. Bob Olsen, Vice-President, MHA, An Association of Montana Health Care Providers, provided and discussed his own written testimony, as well as that of Ms. Aimee Shein, RN, Director of Nursing Services, Big Sky Care Center.

[EXHIBIT\(jhh28a21\)](#)

[EXHIBIT\(jhh28a22\)](#)

Ms. Penny Odigard, RN, commented on the ramifications of low direct-care wages, which often result in high staff turnover, decreased quality of care, and a drain of skilled direct care workers into states and institutions that can provide a higher wage.

Mr. H. Ray Gibbons, Fellow, American Health Care Executives (FACE), and staff member, Teton Medical Center, provided and discussed his written testimony.

[EXHIBIT\(jhh28a23\)](#)

{Tape: 2; Side: B; Approx. Time Counter: 13.8}

Ms. Bea Ann Melichar, Executive Director, Yellowstone City Council on Aging, noted the growth of the elderly population in Yellowstone City and across the country. She discussed the role

and work of the Ombudsman Program in Yellowstone City, noting that the city has need of a second full-time ombudsman at the cost of \$40,000 per year. She also told the Committee about the area's increasing need for senior citizen transportation, and the increasing costs of such services.

Ms. Melichar overviewed demand and budget shortfalls for congregate meals programs and Meals on Wheels, and described how volunteer Meals on Wheels drivers are often seniors' first line of defense in senior neglect and abuse situations. Drivers routinely help those who have suffered an injury or emergency at home and sometimes discover seniors who have passed away in their homes.

Ms. Melichar estimated that the most basic cost of expanding services in Yellowstone City would top \$300,000, while she estimated the costs of necessary facility renovations at \$70,000.

{Tape: 2; Side: B}

Ms. Melichar went on to urge increases in funding for bed days, support for look-back asset transfers, adequate appropriations for needed staff raises, and increased funding across the board for senior services in Montana.

EXHIBIT(jhh28a24)

Ms. Karen Erdy, Director, Area 2 Agency on Aging, discussed the duties of the Montana Elder Care ombudsmen, who monitor 100 licensed homes and over 260 skilled nursing beds, and the increased complexity of cases they handle. Citing this information, she requested that the committee reassign Full-Time Equivalent (FTE) salted for deletion under DP 9999 to the Ombudsman program, authorizing one more fully federally funded ombudsman position.

EXHIBIT(jhh28a25)

EXHIBIT(jhh28a26)

EXHIBIT(jhh28a27)

EXHIBIT(jhh28a28)

EXHIBIT(jhh28a29)

EXHIBIT(jhh28a30)

EXHIBIT(jhh28a31)

EXHIBIT(jhh28a32)

EXHIBIT(jhh28a33)

{Tape: 3; Side: A; Approx. Time Counter: 12}

Mr. Matt Patrick urged increased funding for Traumatic Brain Injury (TBI) programs.

Ms. Susan Kohler, Director, Area 11 Agency on Aging, stated that her agency, which includes Missoula County and the City of Missoula, started the new fiscal year with a \$50,000 deficit. She emphasized notable increases in demand for meal, transportation, recovery, ombudsman, and homemaker programs. She stated that cuts in services will occur immediately.

[EXHIBIT\(jhh28a34\)](#)

{Tape: 3; Side: A}

Ms. Debbie Hills, HCBS Waiver participant, thanked the state for the in-home services available to her, which allow her to remain with her family and parent her son. She stated that it would cost the state much more to "warehouse" her in a nursing home, where she believes she would have a much lower quality of life.

Mr. Dwayne Lutke, Director, Area 6 Agency on Aging, urged increased funding for homemaker, meal, transportation, information services, ombudsman and other senior citizens' programs.

Ms. Karen Greenwood, Peace Hospice of Montana, discussed the role of and services provided by Peace Hospice. She provided video testimony from a 78-year-old woman who receives care funding through the HCBS Medicaid waiver and urged the committee to provide for additional HCBS waiver slots.

[EXHIBIT\(jhh28a35\)](#)

{Tape: 3; Side: A; Approx. Time Counter: 12.9}

Ms. June Hermanson, Montanans with Disabilities for Equal Access, urged increased funding for HCBS waiver programs and personal assistance programs.

Ms. Pam Davis has been paralyzed and living at home for 22 years, thanks to the HCBS Medicaid waiver. She urged increased HCBS Medicaid waiver slots and described how Medicaid and other assistance cuts impose undue hardships.

[EXHIBIT\(jhh28a36\)](#)

Mr. Dustin Hankinson lives with muscular dystrophy. He noted care options and advantages available to him through the HCBS Medicaid waiver and requested that the committee offer freedom and

independence to other disabled persons by increasing HCBS Medicaid waiver slots.

EXHIBIT(jhh28a37)

A woman who lives with multiple sclerosis urged increased funding and expanded HCBS Medicaid waiver slots, like the one that helps her and her four-year-old daughter survive financially.

Ms. Nancy Winstead urged increased funding and slot expansion for the HCBS Medicaid waiver.

EXHIBIT(jhh28a38)

{Tape: 3; Side: B}

Nancy, from Missoula, urged increased funding and slot expansion for the HCBS Medicaid waiver.

EXHIBIT(jhh28a39)

April, a woman who lives with cerebral palsy, urged increased funding and slot expansion for the HCBS Medicaid waiver.

Ms. Deborah Pate, Director, North Central Area Agency on Aging, stated that without increased funding, congregate meals, meals on wheels, and other programs will be scaled back or cut completely.

Mr. Alan Crabtree is the husband of a woman who lives with the effects of a brain aneurysm. The HCBS Medicaid waiver program allows Mr. Crabtree to work and support his family, by providing for her daily needs and helping with housekeeping tasks.

{Tape: 3; Side: B; Approx. Time Counter: 11.1}

A friend narrated testimony for **Christine Lee Olson**, who lives with the effects of a Traumatic Brain Injury (TBI). Ms. Olson expressed to the committee her qualifications for and desire to complete university study. She requested that the committee consider the costs associated with undertaking such studies.

EXHIBIT(jhh28a40)

Ms. Holly Floyd read a letter from **Mr. Danny Royce Steron**, who lives with the effects of a TBI. **Mr. Steron** urged increased funding and slot expansion for the HCBS Medicaid waiver.

Mr. Trenny Brown lives with the effects of a TBI. He told the committee about his goals for the future.

EXHIBIT(jhh28a41)

{Tape: 3; Side: B; Approx. Time Counter: 17.9}

Marchelle, a Missoula resident, lives with the effects of a violent assault that resulted in a TBI. She vouched for the services provided by Opportunity Resources and requested a provider rate increase for such organizations.

EXHIBIT(jhh28a42)

Ms. Nadine Miller, Personal Care Assistant (PCA) on the Blackfeet Reservation, described the plight of disabled persons and the ways in which PCA's provide help. She urged wage increases for PCA staff.

Mr. George Olk lives with the effects of a stroke and brain injury. He described the help available to him and his disabled wife through the HCBS Medicaid waiver services, including Bridges, Opportunity Resources and PCA's. He requested the committee raise the medically ready cap from \$525 per month to the Supplemental Security Income (SSI) level of \$579 per month.

EXHIBIT(jhh28a43)

{Tape: 3; Side: B; Approx. Time Counter: 26.9}

Adele, a Missoula resident, lives with schizophrenia and asthma in a supported-living site. She described the Opportunity Resources services that help her to work, purchase and prepare nutritious foods, and exercise.

EXHIBIT(jhh28a44)

Ms. Carrie Shaff, Express Personnel Services, noted that three members of her family have multiple sclerosis. She described her work at Express and the work of PCA's. **Ms. Shaff** requested increased provider rates, so that providers can increase direct-care staff wages.

EXHIBIT(jhh28a45)

{Tape: 4; Side: A}

Ms. Stacey Bray, Opportunity Resources, urged increased provider funding, so that organizations like Opportunity Resources can continue to offer excellent care to individuals with disabilities.

EXHIBIT(jhh28a46)

Ms. Chris Carlson, Intrepid USA, works to provide home health, hospice and a range of care services to disabled clients. She provided and read written testimony from **Ms. Nancy Kelso, PCA**, urging increased PCA wages, and went on to express that many organizations like Intrepid USA are in danger of or already going out of business.

Ms. Carlson urged the committee to enact immediate and adequate program funding increases and increases in direct-care wages.

EXHIBIT(jhh28a47)

EXHIBIT(jhh28a48)

{Tape: 4; Side: A; Approx. Time Counter: 8.7}

A friend read testimony for **Ms. Bonnie Hanyon**, a woman who lives with the effects of disabilities. **Ms. Hanyon** requested increased provider funding.

EXHIBIT(jhh28a49)

Ms. Teresa Markowski, PCA, also urged increased provider funding.

Mr. Wally Congdon, Deputy County Attorney, Beaverhead County, lives with the effects of a TBI, and vouched for the effectiveness of the Bridges program and other community-based long-term care services. **Mr. Congdon** also stated that he would urge every self-employed rancher, farmer and small business person to cover themselves with worker's compensation so that, as in his case, worker's compensation would be available to cover the costs of on-the-job accidents, rather than cost-shifting such expenses to the state.

The following exhibit was submitted following the proceedings:

EXHIBIT(jhh28a50)

ADJOURNMENT

Adjournment: 12:30 A.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/lg

Additional Exhibits:

EXHIBIT ([jhh28aad0.TIF](#))